LAimanage / 28762 / 00188 / 578440 / 1 /

1 The parties hereby stipulate that should Plaintiff ever re-file Plaintiff's 2 claim, Plaintiff will only re-file in Federal Court. The parties shall each bear their 3 own costs. DATED: September 21, 2006 TUCKER ELLIS & WEST LLP 4 5 6 /s/ Peter E. Schnaitman By: 7 Michael C. Zellers Michael.zellers@tuckerellis.com 8 Peter E. Schnaitman Peter.schnaitman@tuckerellis.com 9 Aggie B. Lee Aggie.lee@tuckerellis.com 1000 Wilshire Blvd., Suite 1800 10 Los Angeles, CA 90017 Telephone: (213) 430-3400 Facsimile: (213) 430-3409 11 12 Attorneys for Defendants 13 PFIZEŘ INC., PHARMACIA CORPORATION, and 14 MONSANTO CÓMPANY (the Monsanto Company now known 15 as Pharmacia Corporation) 16 DATED: September 20, 2006 ALEXANDER, HAWES & AUDET LLP 17 18 By: /s/ Adel A. Nadji 19 William M. Audet Joshua C. Ezrin 20 221 Main Street, Suite 1460 San Francisco, ĆA 94105 Telephone: (415) 982-1776 21 Facsimile: (415) 576-1776 22 Michael E. Schmidt THE SCHMIDT FIRM 23 2911 Turtle Creek Blvd., 24 Suite 1400 Dallas, TX 75219 25 Telephone: (214) 521-4898 Facsimile: (214) 521-9995 26 Attorneys for Plaintiff 27 Ron Natali 28 UCKER ELLIS & WEST LLP 1000 Wilshire Boulevard Suite 1800 Los Angeles, CA 90017-2475 STIPULATION AND ORDER OF DISMISSAL

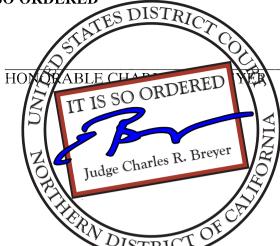
LAimanage / 28762 / 00188 / 578440 / 1 /

Case 3:06-cv-00785-CRB Document 5 Filed 09/25/06 Page 2 of 3

Case 3:06-cv-00785-CRB Document 5 Filed 09/25/06 Page 3 of 3

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: September 22, 2006



3. STIPULATION AND ORDER OF DISMISSAL